

Docket No.: 4468-020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of

Masayuki Tomita

Serial No. 09/901,150

Filed: July 10, 2001

For: BIT ERROR MEASUREMENT APPARATUS AND METHOD, AND RECODING MEDIUM

Group Art Unit: 2133

Examiner:

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

Each non-English language reference was cited in a

Serial No. 09/901,150

corresponding foreign application search report or office action and its relevance discussed therein. A copy of the foreign search report or office action, together with an English language version thereof, is attached for the Examiner's information.

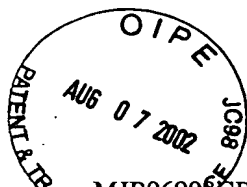
Respectfully submitted,

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INVESTOR IN PEOPLE

Your ref: MJB06998GB
Application No: 980116372.4
Applicant: Advantest Corporation

Latest date for reply: 19 August 2002

Examiner: Matthew Nelson
Tel: 01633 814390
Date of report: 18 February 2003

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Patents Act 1977

Combined Search and Examination Report under Sections 17 & 18(3)

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Novelty

1. The invention as defined in claims 5-8 is not new because it has already been disclosed in the following documents:

EP 0961437 A1 (ALCATEL) See whole document.
EP 0730359 A2 (FUJITSU) See whole document.
WO 96/17454 A1 (QUALCOMM INCORP.) See whole document.
US 5359600 (UEDA et al) See whole document.

2. The cited documents meet claims 5, 7 and 8. In EP '437, EP '359 and US '600 test packets/cells are sent during normal system operation by utilising empty transmission packets/cells. In WO '454 control data is sent at the same time as test data, and the receiver "bifurcates" (extracts) the test data.

3. EP '437, EP '359 and WO '454 disclose pseudo-random or algorithm based test sequences and so also meet claim 6.

4. Depending on how claims 5-8 are amended, further searching may be necessary.

Plural invention

5. Consideration as to whether the claims relate to a single invention has been deferred pending amendment of claims 5-8.

Scope of the invention

6. Claim 1 defines "means for extracting an equivalence packet", "means for comparing" and "means for judging". The word "for" does not limit the invention to an apparatus necessarily operating in the way described, the apparatus simply has to be suitable for such purposes. Arguably the prior art cited above disclose arrangements suitable for receiving a packet of all ones or zeros and calculating the bit errors of such a packet, since their operation can be altered through suitable programming of the test pattern generator etc. Consequently claim 1 requires amendment to clearly distinguish it from the prior art. This could be achieved, for example, by removing the word "for" from claim 1. This objection also applies to claims 3 and 4 which contain similar wording.



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Application No: GB 0116372.4

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[Examination Report contd.]

Clarity

7. Claims 1, 3-5, 7 and 8 would be clearer if they referred to judging the digital data as an error when the result of the comparison indicates a difference, as this would make it clear that the error is associated with the digital data of the extracted packet rather than the comparison data.



INVESTOR IN PEOPLE

Application No: GB 0116372.4
Claims searched: 1-8

Examiner: Matthew Nelson
Date of search: 15 February 2002

Patents Act 1977 Search Report under Section 17

Databases searched:

UK Patent Office collections, including GB, EP, WO & US patent specifications, in:

UK Cl (Ed.T): H4L (LFMA, LFMX); H4P (PEV, PEM, PEUM)

Int Cl (Ed.7): H04L 1/20, 1/24, 12/26

Other: Online: WPI, EPODOC, JAPIO

Documents considered to be relevant:

Category	Identity of document and relevant passage	Relevant to claims
X	EP 0961437 A1 (ALCATEL) See whole document.	5-8
A	EP 0849908 A2 (ALCATEL) See the abstract.	
X	EP 0730359 A2 (FUJITSU) See whole document.	5-8
A	WO 97/37453 A1 (BRITISH TELECOMM.) See whole document.	
X	WO 96/17454 A1 (QUALCOMM INCORP.) See whole document, in particular p. 7, lines 19-25 and p. 10, lines 25-29.	5-8
A	US 5982752 (KATUSZONEK) See the abstract and col. 5, lines 7-16.	
A	US 5726991 (CHEN et al) See e.g. the abstract and col. 4, lines 2-4.	
X	US 5359600 (UEDA et al) See whole document.	5, 7 & 8

X Document indicating lack of novelty or inventive step
Y Document indicating lack of inventive step if combined with one or more other documents of same category.

& Member of the same patent family

A Document indicating technological background and/or state of the art.
P Document published on or after the declared priority date but before the filing date of this invention.
E Patent document published on or after, but with priority date earlier than, the filing date of this application.